

time, significant multi-state class actions would seem to be appropriate candidates for removal to federal court.

The Judicial Conference's resolution deliberately avoided specific legislative language, out of deference to Congress's judgment and the political process. These issues implicate fundamental interests and relationships that are political in nature and are peculiarly within Congress's province. Notwithstanding this general view, we can, however, confirm that the conference has no objection to proposals: (1) to increase the threshold jurisdictional amount in controversy for federal minimal diversity jurisdiction; (2) to increase the number of all proposed plaintiff class members required for maintenance of a federal minimal-diversity class action; and (3) to confer upon the assigned district judge the discretion to decline to exercise jurisdiction over a minimal-diversity federal class action if whatever criteria imposed by the statute are satisfied. Finally, the Conference continues to encourage Congress to ensure that any legislation that is crafted does not "unduly intrude on state courts or burden federal courts."

We thank you for your efforts in this most complex area of jurisdiction and public policy.

Sincerely,

LEONIDAS RALPH MECHAM,
Secretary.

Mr. CARPER. The pages who are still here tonight would agree I may have talked at least long enough for one evening.

As I prepare to wrap up, let me acknowledge that the impact of class action lawsuits on our Nation's business climate may not be as harmful as some of our business interests contend. In some cases, they may actually overstate the harm class actions have done.

Having said that, a balance still needs to be found in today's system that is respectful on the one hand of the right to seek redress for wrongdoing by corporations while preserving a reasonable measure of fairness for business interests, too.

Patti Waldmeir, who writes on legal issues for the *Financial Times*, summed it up in her column last month with these words:

The class-action lawsuit was meant to be a vehicle for democracy in the U.S., a way to level the playing field between the powerless and powerful by allowing individuals to band together to sue big corporations.

I believe the bill before us does strike the balance that is needed. I am pleased to say that view is reflected on the editorial pages of scores of newspapers across America: from the *Chicago Tribune*, to the *St. Louis Post Dispatch*, the *Des Moines Register*, the *Christian Science Monitor*, the *Buffalo News*, the *Baltimore Sun*, the *Hartford Courant*, *Newsday*, the *Omaha World-Herald*, the *Oregonian*, the *Orlando Sentinel*, the *Providence Journal*, the *Santa Fe New Mexican*, and, yes, even the *Washington Post*.

Let me conclude my remarks this evening with these words from the editorial pages of the *Washington Post* in endorsing the Class Action Fairness Act. These are their words:

It would ensure that cases with implications for national policies get decided by a court system accountable to the whole country. This is not, as opponents have cast it, an attack on the right to sue or a liability shield for corporate wrongdoing. It is a mod-

est step to rein in a system that too often simply taxes corporations—irrespective of whether they have done anything wrong—and uses that money to pay lawyers who provided no services to anyone. Such a system does not deserve the Senate's protection for yet another Congress.

Their words, not mine. But to those words let me simply add: Amen.

With that, Mr. President, I yield back my time.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow morning.

Thereupon, the Senate, at 7:38 p.m., adjourned until Wednesday, July 7, 2004, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate July 6, 2004:

THE JUDICIARY

KEITH STARRETT, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, VICE CHARLES W. PICKERING, SR., RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate July 6, 2004:

THE JUDICIARY

J. LEON HOLMES, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS.